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SUBJECT: AMBASSADOR AND OFDA DIRECTOR VISIT TO BATTICALOA,  
SRI LANKA

SUBJECT: OFDA Assessment of Sri Lanka IDP Situation

REF: (A) COLOMBO 0854, (B) COLOMBO 0390

11. (SBU) Summary: OFDA recently completed a mission to Sri Lanka that was highlighted by the participation of OFDA Director, Ky Luu. While in Sri Lanka Mr. Luu, along with the Ambassador and USAID Director, spent two days in Batticaloa District assessing the situation of IDPs and returnees. The team found that overall there was improvement in the GSL return process. Director Luu indicated that if the GSL honors its agreement to the OFDA conditions concerning NGO access to IDPs and returnees, additional OFDA resources would be provided to Sri Lanka through OFDA's NGO, IO, and UN partners. End Summary

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Background  
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12. (SBU) Recently, with the cooperation of the Karuna forces, the Sri Lankan Army has driven LTTE forces out of Eastern districts with the exception of a relatively small but significant jungle area around Thopigala. Estimates of the number of LTTE cadres still in the jungle range from 150 to 500. Those forces that remain still have the potential to interfere with the GSL's return program through acts of violence and intimidation. Nevertheless, the GSL is pressing ahead with the goal of returning and resettling all who have been displaced by fighting in the East. UNHCR maintained that part of the earlier phase of the IDP's return in Vakarai was done by force and coercion.

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Humanitarian Dilemma  
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¶3. (SBU) The lack of planning for resettlement, the forced returns, the denial of access by NGOs to resettled areas, and the environment of impunity in areas of the East have caused the international community to be caught in a dilemma between Principled Programming (the desire not to be co-opted into supporting unsafe returns) and the Humanitarian Imperative (the need to stay engaged with the GSL in order to serve and protect IDPs who are at risk). International organizations feel that they are not treated as partners by the GSL and are being used as pawns in the government's military strategy. They feel the GSL seems to willfully ignore its own humanitarian obligations and lacks respect for the mandates of the humanitarian actors in Sri Lanka. Still, most feel that there is a gradual trend of improvement in GSL operations in support of resettlement and humanitarian needs. This, balanced against the suffering that would be caused if they withdrew, is enough for now to keep the humanitarian community engaged in trying to work with the government to assist those in need.

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Protection through Presence  
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¶4. (SBU) In Sri Lanka, humanitarian agencies are struggling mightily against great odds to pursue a strategy of ?protection by presence,? based on the hope that the mere presence of international humanitarian workers on-location

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can provide a degree of protection to IDPs and returnees. Given the atmosphere of impunity that exists in the East, NGO presence is not, in and of itself, sufficient to provide security. Because of this, some NGOs feel that their presence might give a false sense of security to returnees.

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What Is ?Safe and Voluntary? Return?  
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¶5. (SBU) There agreement between the GSL and the humanitarian community in Sri Lanka that IDPs should return home as soon as possible. There is, however, a gap between the Government's actions and the humanitarian norms supported by the international community. Sri Lanka has the highest IDP population in Asia. In its rush to lose this title and the international scorn that comes with it, the Government risks greater damage to its international standing through an ad hoc resettlement process. The international community, including the U.S. Mission, is trying to help bring the GSL to an awareness that a return without planning for adequate services risks not only makes the resettlement process unsustainable but could create antipathies in the resettled Tamil communities that would create a environment of dissatisfaction, inadvertently creating enemies behind GSL front lines. (Comment: The Ambassador raised these issues at the last meeting of the Consultative Committee on Humanitarian Access (CCHA). This could significantly contribute to the already improving trend of GSL's resettlement program. End Comment)

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OFDA Mission  
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¶6. (SBU) With these issues in mind, OFDA recently completed a mission to Sri Lanka to assess the current situation and the requirements and conditions for additional OFDA support. OFDA Regional Advisor Bill Berger made his third trip to Sri Lanka this year. His twenty-one day mission

began May 20. He was joined for ten days beginning May 25 by Jeff Drumtra, OFDA's IDP Specialist. The mission culminated with the visit of OFDA's Director, Ky Luu, from June 2 -6. While in Sri Lanka, Mr. Luu spent two days in the field along with the Ambassador and USAID Mission Director. Mr. Luu held extensive meetings with NGOs, INGOs, IOs, and the UN agencies and visited IDPs and returnees in the Batticaloa District. While in Batticaloa, the team visited Kurukalmadam IDP Transit Site, Eruvil Thodam Camp, Kovilkulam Camp, and returnee sites in SW Batticaloa District (Ref A).

¶7. (SBU) In a press release following the trip, Mr. Luu noted improvements in the recent resettlement of IDPs and said that the United States would be willing to provide support to newly resettled communities within the context of a safe and dignified return. He emphasized the need for humanitarian access, stating that "the UN and international relief agencies must have timely access to repatriated villages in order to help assuage fears relayed by villagers that they are unaware of the conditions in villages where they are set to return, whether their former

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homes are still standing, where they will have the means to support themselves, and whether they will have essential services". He added: "I am encouraged that services for returnees have improved in the past few months. We encourage the government to give timely access to NGOs and UN agencies, assisting them in providing essential services and sharing necessary information to returnees."

¶8. (SBU) Concerning additional OFDA assistance, he said if the GSL granted access to NGOs in a timely fashion, "OFDA will look for opportunities through its partners to assist in raising the level of assistance in partnership with the government to augment services already being provided."

¶9. (SBU) He added: "Residents in the Batticaloa area and representatives of international relief agencies expressed concern about the continued presence of paramilitary groups in and around Batticaloa and the disruptive effect on relief activities of extortion, harassment and intimidation by these groups. The U.S. delegation underlined the importance of the Government of Sri Lanka stopping such illegal activities and asserting Government control over law and order in the East."

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Meeting With NGOs in Colombo  
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¶10. (SBU) Ky Luu held a meeting with over twenty NGOs in Colombo on June 6. He briefed the partners on his visit to the field and said that additional OFDA resources could be provided to Sri Lanka but they would be conditional and based on acceptance by the GSL of certain basic principles required for effective utilization and impact of OFDA funds.

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OFDA Letter to GSL  
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¶11. (SBU) On Luu's instruction, a letter was drafted asking for GSL assurance that U.S.-funded NGOs would have access to and be allowed to operate in the areas of return and further that that access would be allowed in a timely fashion not to exceed seven days from the time IDPs were returned to their villages.

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Minister of Disaster Management and Human Rights  
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¶12. (SBU) The Ambassador, accompanied by the OFDA RA,

delivered the letter in a meeting with Mahinda Samarasinghe, Minister of Disaster Management and Human Rights. Minister Samarasinghe said it would be appropriate to raise the issue in the a meeting of the Consultative Committee on Humanitarian Assistance (CCHA) which he and the Ambassador were attending the same day. Minister Samarasinghe also invited the OFDA RA to join and observe the meeting.

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CCHA Meeting  
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¶13. (SBU) At the CCHA meeting the Ambassador raised, among other items, the issues contained in the OFDA letter (Ref B). Defense Secretary Gotabaya Rajapaksa, along with all the other GSL representatives at the meeting, agreed that U.S.-funded and other approved NGOs would be allowed to work in the areas of return and, further, that they would be allowed access at the same time that communities were being returned. Embassy will take this matter up with the GSL.)

¶14. (SBU) In the same meeting, the GSL agreed to field rapid assessment teams to identify any emergency humanitarian needs, such as health and nutrition, of IDPs and returnees. Further, the GSL agreed to develop a comprehensive plan for resettlement and agreed that technical consultants for this effort would be provided by UNDP. (Comment: The Ambassador and others at the meeting were able to clearly explain how these undertakings were essential for the Government to meet its own stated objectives for the return. The commitments made by the Government on these key issues, if they translate into action on the ground, will make a critical contribution to easing the hardships suffered by displaced communities. End comment)

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Follow-Up Meeting with NGOs  
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¶15. (SBU) With these assurances in hand, the USAID Mission Director and the OFDA RA held a meeting with NGOs at the USAID Mission to brief them on the commitments made by the GSL. They also presented OFDA's programming approach for resettlement assistance, which will focus on coordinated end-to-end assistance (within OFDA's mandate) to targeted communities rather than specific sectoral assistance across communities.

¶16. (SBU) While all of the NGOs present agreed that a community-based approach was the most effective way to ensure a durable return solution, there was a concern that, while feasible, this approach would face challenges since coordination at the field level is done on a sectoral basis. The RA said he would follow up with the GSL on this issue.

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Meeting with Secretary of the Ministry of Disaster Management and Human Rights, Peter Dias Amarasinghe  
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¶17. (SBU) The RA met with Secretary of the Ministry of Disaster Management and Human Rights, Mr. Peter Dias Amarasinghe, to discuss coordination issues for OFDA-funded programs. Secretary Amarasinghe appreciated OFDA's interest in the return process and said that his Ministry would help ensure that OFDA-funded programs were integrated and coordinated at the Colombo level as well as at the field level. He promised to invite a representative of the USAID office to all meetings where coordination is taking

place.

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Conclusions and Recommendations  
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¶18. (SBU) The OFDA team found that most IDPs wanted to return to their villages but wanted NGOs to be with them for purposes of security as much as for provision of services. Most still felt that they had little choice but to return when told to do so by the GSL.

¶19. (SBU) The return process witnessed by the team appeared to be orderly and people were pleased with the food and other items being given by the Government. They were, however, concerned about the Government's promise to provide additional food when the two-week supply being given them ran out. They were also worried that GSL would not provide enough assistance until they could restore their own livelihoods, which for agriculturalists would be at least 6 months.

¶20. (SBU) Overall, the team found that there was enough improvement in the GSL return process for OFDA to provide additional assistance if the Government honored its agreement to the OFDA conditions concerning NGO access to IDPs and returnees. Additional OFDA assistance will be provided to Sri Lanka through OFDA's NGO, IO, and UN partners.

¶21. (SBU) OFDA would like to thank both the U.S. Mission for the unstinting support that OFDA continues to enjoy in Sri Lanka. Their technical, logistical, and personal support has made a critical contribution to OFDA's work in-country. OFDA would also like to applaud the leadership of Ambassador Blake in advocating for humanitarian issues with the Government of Sri Lanka as well as the work of Embassy and USAID Mission personnel in support of that leadership.

Blake